

Amendment and Response

Applicant: Stuart Asakawa et al.

Serial No.: 09/905,623

Filed: 7/13/2001

Docket No.: 10011919-1/H301.426.101

Title: PRINT FOR PAY PRINTER

REMARKS

The following remarks are made in response to the Office Action mailed September 8, 2004, in which claims 1-20 were rejected. With this Response, no claims have been amended. Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 4, 5, 9-12, 15, 16, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Farros et al. (U.S. Patent No. 5,930,810) in view of Maruta et al. (U.S. Patent No. 6,064,838).

Farros is alleged to teach the invention as presented in independent claims 1, 9, and 19, including printer resources “such as sizes, colors and font”. However, Farros is acknowledged as failing to clearly disclose that the printer resources are operational resources. Further, although Farros discloses necessary billing, Farros is also acknowledged as failing to disclose that the payment transaction includes a charge calculated as a function of the resource request. Finally, Farros is acknowledged as failing to disclose that the selected at least one printer resource comprises a selected printer resolution.

Maruta is cited as disclosing that a user sets the appropriate printing conditions such as sheet size, resolution of picture quality, the number of copies, and the like for a copier. The cost required for the printing operation is determined, and then a printing operation is executed (citing col. 2, lines 25-32). The Examiner therefore finds it would have been obvious to one of ordinary skill in the art to integrate Farros and Maruta such that the user is notified of the total printing cost, and if the user would like to reduce or increase the cost, the user can alter the operational settings.

The Examiner also presents a variety of additional 35 U.S.C. § 103(a) rejections, and in each case relies on the above combination of Farros and Maruta:

- claims 2 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Farros in view of Maruta as applied to claims 1 and 9, and further in view of Pierce (U.S. Patent No. 6,202,057);

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- claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Farros as modified by Maruta and Pierce as applied to claim 2, and further in view of Narukawa (U.S. Patent No. 6,281,978);
- claims 6 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Farros as modified by Maruta as applied to claim 4 and 1, and further in view of Hayashi (U.S. Patent No. 6,375,297);
- claims 7, 8, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Farros in view of Maruta as applied to claims 1 and 15, and further in view of Nocker (U.S. Patent No. 6,235,486); and
- claims 14 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Farros as modified by Maruta as applied to claim 9 and 19 above, and further in view of Freeman (U.S. Patent No. 6,134,557).

The rejection of independent claims 1, 9 and 19 is respectfully traversed. In particular, the combination of Farros and Maruta fails to teach, disclose or make obvious the subject matter of independent claims 1, 9 and 19 that each include, in part, a payment transaction “wherein said payment transaction includes a charge calculated as a function of said resource request.”

Farros sells products, such as business cards, envelopes and letterhead, which may be personalized by a user by selecting and arranging predefined elements, such as graphics, sizes, fonts, colors and other attributes, of predefined forms (column 2, lines 50-65). The printing or production resources of Farros are available downstream from the product selection, and the operational resources of the printer are not selected or specified by the user. Farros does mention a charge for the printed products, but provides no details whatsoever regarding calculation of an amount to be charged to the user. In particular, Farros only suggests a charge for the printed product generally, and fails to teach or suggest a charge calculated as a function of the request for the use or right of use of a “printer operational resource”. In the current and previous office actions, the Examiner has acknowledged that Farros “does not specifically mention that the payment transaction includes a charge calculated as a function of the resource request.”

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Despite the Examiners assertions, Maruta fails to remedy the above-noted deficiency of Farros. Maruta does disclose that a user may set printing conditions such as sheet size, resolution of picture quality, the number of copies, and the like. Maruta also discloses that a cost for the printing operation is determined. However, Murata only states, "The cost required for the printing operation is determined, and then a printing operation is executed." (Col. 2, lines 30-32). Maruta provides absolutely no details whatsoever regarding calculation of the amount to be charged. Rather, it is only the present application that teaches the charge is calculated as a function of the operational resource request. The Examiner has improperly used hindsight reasoning to include knowledge gleaned only from the Applicant's disclosure. Accordingly, the combination of Farros and Maruta still fails to disclose, suggest or make obvious that the payment transaction includes a charge calculated as a function of the resource request.

As set forth above, neither Farros nor Maruta, either alone or in combination, show, teach or suggest that the payment transaction includes a charge calculated as a function of the resource request. Accordingly, for at least this reason, independent claims 1, 9 and 19 are not obvious over Farros in view of Maruta, and are thus in allowable condition. Withdrawal of the rejection of independent claims 1, 9 and 19 under 35 U.S.C. § 103(a) is respectfully requested.

Each of dependent claims 2-8, 10-18 and 20 depend from one of amended independent claims 1, 9 and 19, which are in allowable condition as set forth above. Therefore, dependent claims 2-8, 10-18 and 20 are also in allowable condition, and withdrawal of the rejections of those claims under 35 U.S.C. § 103(a) is respectfully requested.

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CONCLUSION

In light of the above, Applicant believes independent claims 1, 9 and 19, and the claims depending therefrom, are in condition for allowance. Therefore, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to either Matthew B. McNutt at Telephone No. (512) 231-0531, Facsimile No. (512) 231-0540 or James R. McDaniel at Telephone No. (208) 396-4095, Facsimile No. (208) 396-3958. In addition, all correspondence should continue to be directed to the following address:

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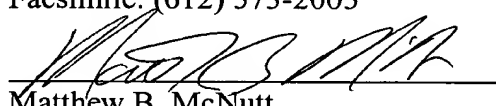
Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30th day of November, 2004.

By 
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